

Response After Final  
Application No. 09/931,858  
Attorney Docket No. 011049

**REMARKS**

Claims 1-8 are pending in the present application. No amendment has been proposed. It is respectfully submitted that this Response is fully responsive to the Office Action dated May 11, 2006.

**As to the Merits:**

As to the merits of this case, the Examiner maintains the following rejection:

claims 1-8 stand rejected under 35 USC 103(a) as being unpatentable over Sachs in view of Kim and in further view of Christensen.

This rejection is respectfully traversed.

Independent claim 1 calls for a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data. Independent claim 5 is drawn to a similar embodiment.

Independent claim 3 calls for a reproduction unit reproducing said encrypted content data recorded in said data recording device; ... wherein when said detection unit detects that said casing is closed after reproduction of said encrypted content data is started, said power supply control unit controls supplying power required for a reproduction process to complete reproducing said encrypted content data. Independent claim 7 is drawn to a similar embodiment.

For example, as shown in the flow chart of Fig. 13 and as discussed on pages 27 and 28 of the present application, the controller 1106 determines in step S1008 whether the downloading has completed. If the controller determines that the downloading still continues, a detection unit 1117 determines whether the casing of cellular phone 100 has been closed, step S1010. If the casing is closed, the cellular phone is conferred a status on to continue a download process until the current downloading completes, step S1012. With this status, power supply control unit 1116 continues to supply each circuit with a power supply voltage required for the call. Then the amount of data distributed or the like is monitored by controller 1106 to determine whether the downloading has completed, step S1014.

With regard to the primary reference of Sachs, the Examiner acknowledges, in line 2 of page 4 of the Action, that “Sachs does not teach power supply methods.”

Further, with regard to the secondary reference of Kim, the Examiner asserts that “Kim teaches a terminal with a switch to change the power status when the casing of the terminal is closed, (Col 3 lines 1-16).”<sup>1</sup>

However, according to Kim:

While the display 10 turns from point A to point B, the lever 12 and the contact 13 connect when the display 10 and the main housing 20 are at an angle of less than 90 degree. At this point, the switch 11 is turned on and a signal from the switch 11 changes the power of a computer system to a power controlling mode.<sup>2</sup>

Kim indicates a system allowing display 10 to be rotated by a user to switch a current mode to a low power consumption mode. This mode prevents the user from operating a computer. Apart from this mode, there exists a power save mode (or resume mode or sleep mode) allowing the user to operate the computer (see Kim, column 2, line 66 to column 3, line 16). For example the power save mode is entered when a keyboard, a mouse and the like are not, operated for a predetermined period of time. This is done automatically by the computer regardless of the user's intention.

More importantly, it is respectfully submitted that Kim teaches that the portable computer goes into low power consumption mode when the switch 11 is actuated by the closing of the display, which is complete contrast to the present invention, for example, wherein if the casing is

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<sup>1</sup> Please see, lines 3-4, page 4 of the Action.

<sup>2</sup> Please see, lines 28-33, col. 3 of Kim.

closed, the cellular phone is conferred a status on to continue a download process until the current downloading completes, step S1012; with this status, power supply control unit 1116 continues to supply each circuit with a power supply voltage required for the call.

In addition, it is respectfully submitted that the Examiner is clearly mis-characterizing the teachings of Christensen, since this reference does not disclose that when the power switch is turned off power is still supplied to complete the downloading of data.

Christensen et al. indicates a power management system for a computer. This system is affected without user intervention and automatically controlled by BIOS (see Christensen et al., column 1, lines 43-55).

In this regard Christensen et al. indicate that for example in a serial download operation the BIOS's timer is prevented from counting down to switch the current mode to the power management mode. The power management mode is a mode entered for example when a keyboard, a mouse and the like are not operated for a predetermined period of time, and preventing a current mode from automatically being switched to the power management mode during the serial download operation is contemplated. That is, as shown in the flowcharts of Figs. 1a and 1b, during an application processing a determination is made as to whether to reset the power management timers (S105) in the BIOS. If yes, then the application program sets the

AX register equal to 6 (S107) and calls software interrupt 14h (in S109). The BIOS software interrupt routine 14h checks whether the AX register equals 6 (S112), and if so resets the power management timers (in S114). As such, the condition of the power management timers counting down during the processing of an application program is avoided by setting the AX register to 6 and calling the software interrupt 14h.

In other words, Christensen et al.'s power management mode is the same mode as Kim's power save mode (or resume mode or sleep mode) and is automatically affected by a computer regardless of the user's intention.

In contrast, claim 1 recites an invention of a data terminal device in the form of a shell, wherein when a detection unit detects that the casing in the form of the shell is closed after download of encrypted content data is started, a power supply control unit controls supplying power required for a call to complete downloading the encrypted content data.

In other words, claim 1 recites an invention characterized in that if a user closes the casing in the form of the shell to enter a low power consumption mode preventing the user from operating the device, similarly as described in Kim, the device can nonetheless be supplied with power required until it completes downloading data.

Kim only indicates a system allowing display 10 to be rotated to change a current mode to a low power consumption mode preventing a computer from being operated. The reference neither discloses nor suggests that when the detection unit detects that the casing in the form of the shell is closed after download of encrypted content data is started, the power supply control unit supplies power required for a call to complete downloading the encrypted content data, as characterized in claim 1.

Furthermore, Christensen et al. only indicate a system preventing automatically entering a power save mode during a serial download operation. The reference neither discloses nor suggests that if a low power consumption mode preventing a user from operating a device is entered in a download operation the power supply control unit supplies power required for a call to complete the download, as required by claim 1.

In view of the above, it is respectfully submitted that the additional secondary references of Kim and Christensen each fails to teach the above-noted drawbacks and deficiencies of Sachs.

As such, it is believed that Sachs, Kim and Christensen neither disclose nor suggest a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after

download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data, as required by claim 1.

Similarly, it is believed that Sachs, Kim and Christensen neither disclose nor suggest a reproduction unit reproducing said encrypted content data recorded in said data recording device; ... wherein when said detection unit detects that said casing is closed after reproduction of said encrypted content data is started, said power supply control unit controls supplying power required for a reproduction process to complete reproducing said encrypted content data, as required by claim 3.

Moreover, even if, assuming arguendo, that the Examiner's assertion, on page 2, regarding Kim teaching that when the casing is closed, Kim still teaches that a power controlling mode would be entered or continued, it is respectfully submitted that the Examiner has failed to appreciate that that in Kim when the display 10 turns from point A to point B, the switch 11 is turned on and the power of the computer is changed to a power-saving mode, which is exactly what Christensen is trying to avoid.

More specifically, Christensen discloses in col. 3, lines 6-9 that "[t]he communications program would utilize software interrupts in BIOS to prevent unwanted power management

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invocations during a long upload or download via the modem.” That is, Christensen is concerned with avoiding the timers of the BIOS from counting down to a power shut down condition during, for instance, a serial download operation.

It is respectfully submitted that one of ordinary skill would not have been motivated to combine the power saving feature of Kim with the disclosure of Christensen, since the crux of Christensen’s invention is to prevent unwanted power management invocations during a long upload or download via the modem.

Accordingly, it is respectfully submitted that the Examiner’s combination rejection is improper since Christensen explicitly teaches away from the features disclosed by Kim.

In view of the aforementioned accompanying remarks, Applicant submits that that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant’s undersigned attorney to arrange for an interview to expedite the disposition of this case.

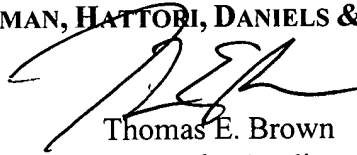


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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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